

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MARTIN J. WALSH,)	
SECRETARY OF LABOR)	
U.S. DEPARTMENT OF LABOR,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE
v.)	NO. 4:22-CV-03246
)	
PACKERS SANITATION SERVICES,)	
INC., LTD.,)	
)	
Defendant.)	

**BRIEF IN SUPPORT OF DEFENDANT’S AGREED MOTION
FOR EXTENSION OF TIME TO SUBMIT OPPOSITION BRIEF
REGARDING THE SECRETARY’S MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Rules 16, 26, and 65 of the Federal Rules of Civil Procedure and the Court’s inherent powers, Defendant Packers Sanitation Services, Inc., Ltd. (“PSSI” or “the Company”) requests that the Court amend its November 17, 2022 Order [Filing 13] to extend the date for the submission of PSSI’s brief in opposition to the Secretary’s Motion for Temporary Restraining Order and Preliminary Injunction [Filings 2 and 3] from November 23, 2022 to December 2, 2022.¹ The undersigned counsel has consulted with counsel for the Secretary on the date of this filing, and the Secretary does not oppose PSSI’s request to have until December 2, 2022 to submit its opposition brief.

The purpose of the brief is to provide the Court and Plaintiff U.S. Department of Labor’s Secretary of Labor Martin J. Walsh (“the Secretary”) with PSSI’s position regarding the salient facts and the law relating to the Secretary’s pending motion for a Preliminary Injunction (“PI”). The proposed new date will enable PSSI to more fully address the SOL’s position based not just

¹ PSSI inadvertently overlooked including a request to extend the briefing date in its prior Motion for Expedited Discovery, Scheduling Order, and Continuance of Preliminary Injunction Hearing [Filing 9], which the Court granted on November 17, 2022. [Filing 9] PSSI apologizes for this oversight.

on information that PSSI is gathering that refutes the Secretary's position, but also will allow PSSI to address any discovery that PSSI obtains following the Magistrate Judge's decision relating to the discovery sought by PSSI.

The Department of Labor ("DOL") has been investigating this case since August 2022. It obtained and executed warrants on October 13, 2022. And, it filed this lawsuit and submitted briefing in support of its requested relief on November 9, 2022. In short, DOL has been dealing with this matter for three months. Without this extension, PSSI would be submitting its briefing without the benefit of any discovery that may be granted by the Magistrate Judge and also without sufficient time to process and assess both the Secretary's purported evidence (some of which PSSI knows is patently wrong) and its response to the relief sought. Granting this request for an extension will not prejudice any party, and in fact will avoid prejudice to Defendant PSSI.²

CONCLUSION

For the foregoing reasons, PSSI respectfully requests that the Court grant its motion to extend the time for it to file its opposition brief to the Secretary's Motion for Temporary Restraining Order and Preliminary Injunction to December 2, 2022.

² Regarding the timing of the present briefing deadline, PSSI notes that Thanksgiving is next week, and a number of employees and others with relevant information are already not available or will not be available next week. Further, PSSI does not even presently know every person who may have relevant information. PSSI, therefore, also needs this extension of time to ensure that employees and others are available to it so that PSSI can obtain key defense information for inclusion in its brief.

Respectfully submitted,

/s/ J. Randall Coffey

J. Randall Coffey

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 18th day of November, 2022, the foregoing was filed via the Court's Electronic Filing System and service made via the same, to:

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